

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

JOAN HARVEY,

Plaintiff,

- against -

DELTA AIR LINES, INC.,

Defendant.

**Civil Action No. 1:23-cv-02662-HG**

**DECLARATION OF DAVID GILMARTIN IN SUPPORT OF  
DELTA AIR LINES, INC.'S MOTION FOR SUMMARY JUDGMENT**

I, DAVID GILMARTIN declare as follows:

1. I am over the age of 18. I am a base director for In-Flight Services (“IFS”) for Delta Air Lines, Inc. (“Delta”) and am based out of John F. Kennedy Airport in New York (“JFK”). I have held that position since 2012. In that capacity, I have personal knowledge of each of the matters set forth below, including through my review of Delta’s documents kept in the regular course of business or publicly-available materials, and, if called as a witness, I could and would testify to each of them under oath.

2. In my capacity as Base Manager, I am familiar with Delta’s policies, including its Alcohol Policy and Alcohol Misuse Prevention Program (“Alcohol Policy”).

3. Delta employees have an obligation to report suspected violations of Delta policy, particularly if those violations cause a safety concern. This obligation includes violations of delta’s Alcohol Policy.

4. Delta does not have the facilities or capacity to test its employees for alcohol consumption at the airport in Accra, Ghana.

5. I was over the age of 40 at the time the decision to terminate Plaintiff’s

employment was made.

6. Based on my review of Delta's personnel records, Senior Base Manager Carla Bourdier was over the age of 40 at the time the decision to terminate Plaintiff's employment was made.

7. Based on my review of Delta's personnel records, Field Service Manager Kris Sooknanan was over the age of 40 at the time the decision to terminate Plaintiff's employment was made.

8. Based on my review of Delta's personnel records, HR Manager Emily Pardo was over the age of 40 at the time the decision to terminate Plaintiff's employment was made.

9. Based on my review of Delta's personnel records, HR General Manager Terrence Jackson was over the age of 40 at the time the decision to terminate Plaintiff's employment was made.

10. Based on my review of Delta's personnel records, HR General Manager Terrence Jackson identifies his race as Black.

11. Based on my review of Delta's personnel records, Equal Opportunity Manager James Brimberry was over the age of 40 at the time the decision to terminate Plaintiff's employment was made.

12. Based on my review of Delta's personnel records, Captain Pete Corrao was over the age of 40 at the time the decision to terminate Plaintiff's employment was made.

13. Based on my review of Delta's personnel records, Purser Judieth Passman was over the age of 40 at the time the decision to terminate Plaintiff's employment was made.

14. It is a standard Delta policy that employees eligible to retire may decide to do so in lieu of termination.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed in Queens, NY on March 6, 2024.

DocuSigned by:  
*David Gilmartin*  
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David Gilmartin